



PROPOSED RULE-MAKING
(RCW 34.05.320)

CR-102 (7/23/95)

Agency: Public Disclosure Commission

- ☒ Original Notice
☐ Supplemental Notice
to WSR _____
☐ Continuance of WSR _____

Preproposal Statement of inquiry was filed as WSR 00-16-147; or
☐ Proposal is exempt under RCW 34.05.310(4).

(a) Title of rule (Describe Subject):

WAC 390-18-010 Political Advertising – Identification of sponsor.

Purpose: To implement provisions in Chapter 397, 1995 Session Laws (ESSB 5684).

Other identifying information:

(b) Statutory authority for adoption:

RCW 42.17.370(1)

Statute being implemented:

RCW 42.17.505 through .550

(c) Summary: All political advertising, whether relating to candidates or ballot propositions, are required under RCW 42.17.510 to identify the name and address of the sponsor of the advertising. In 1995, statutory changes to RCW 42.17.510 eliminated the need for sponsor identification to be in a printed or drawn box for written political advertising and to have the sponsor identification appear on each page of the advertising. This rule reflects those changes.

Reasons supporting proposal:

This rule mirrors the 1995 statutory language.

(d) Name of Agency Personnel Responsible for:

Office Location

Telephone

1. Drafting	Doug Ellis	PDC, 711 Capitol Way, Rm 403, Olympia	(360) 664-2735
2. Implementation	Doug Ellis	PDC, 711 Capitol Way, Rm 403, Olympia	(360) 664-2735
3. Enforcement	Phil Stutzman	PDC, 711 Capitol Way, Rm 403, Olympia	(360) 664-8853

(e) Name of proponent (person or organization):

Public Disclosure Commission

- ☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Citation:

(h) Hearing location:

Commission Hearing Room
Evergreen Plaza Building
711 Capitol Way, Room 206
Olympia, WA

Date: October 24, 2000

Time: 9:00 a.m.

Assistance for persons with disabilities: Ruthann Bryant (360) 753-1111

NAME

Vicki Rippie

SIGNATURE

TITLE Executive Director

DATE

9/20/00

Submit written comments to:

Doug Ellis
Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908
Fax (360) 753-1112 by October 20, 2000

DATE OF INTENDED ADOPTION:

October 24, 2000

CODE REVISER USE ONLY

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(j) Short explanation of rule, its purpose, and anticipated effects:

The rule would mirror the 1995 statutory language by eliminating the need for sponsor identification to be in a printed or drawn box for written political advertising and the need to have the sponsor identification appear on each page of the advertising.

Does proposal change existing rules: ☒ **YES** ☐ **NO** If yes, describe changes:

The rule would implement the statutory provisions found in Engrossed Substitute Senate Bill 5684 and eliminate the need for sponsor identification to be in a printed or drawn box for written political advertising and the need to have the sponsor identification appear on each page of the advertising.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ **YES. Attach copy of small business economic impact statement.**
A copy of the statement may be obtained by writing to:

☒ **NO. Explain why no statement was prepared.**

The implementation of this rule does not impact small businesses. It would only apply to businesses if they publish political advertising, however there would be no economic impact on such businesses.

(l) Does section 201, chapter 403, Laws of 1995, apply to this rule adoption? ☐ **Yes** ☒ **No**
Please explain:

The PDC is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date JARRC has not made section 201 applicable to this rule adoption.

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93)

WAC 390-18-010 Political Advertising. Identification of Sponsor. (1) For the purposes of RCW 42.17.510 and this rule, "sponsor" means the candidate, political committee or other person paying for the advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(2) With advertising for which no payment is demanded or for which a cost is not readily ascertainable, the sponsor is the candidate, political committee or person who solicits or arranges for the advertising to be displayed or broadcast.

(3) If more than one person sponsors specific advertising, the identity of each sponsor must be shown. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of advertising, it is unnecessary to include that contributor's name as a sponsor provided the contribution is reported in accordance with applicable provisions of chapter 42.17 RCW.

(4) Printed advertising shall clearly state(~~in a printed or drawn box~~) set apart from any other printed matter that it has been paid for by the sponsor (Example: (1) Paid for by the XYZ Committee, mailing address, city, state, zip code; (2) Vote for John Doe, paid for by John Doe, mailing address, city, state, zip code). Broadcast advertising shall conform to the requirements of the Federal Communications Commission.

(5)(a) Political advertising consisting of more than one page but intended to be presented as a single item (i.e. 3-page letter with return envelope) must identify the sponsor on (~~each page~~) the first page or fold of the advertising. Identification on an enclosed return envelope or the envelope in which the advertising is sent is not sufficient.

(b) Political advertising which is a collection of several items relating to more than one candidate or committee and distributed simultaneously must show the respective sponsor on the respective items.